

### **REMARKS**

Claims 2-4, 6-8, 10-12, and 14-30 are pending in the present application. Claims 2, 3, 7, 8, 11, and 15 have been amended. Claims 2-4, 6-8, 10-12, 14-17, and 24 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejection in view of the above amendments and the following remarks.

#### ***Allowable Subject Matter***

It is gratefully acknowledged that the Examiner has allowed claims 2, 4, 6, 8, 10, 12, 14, and 16-30.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 3, 7, 11, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,781,540 to Malcolm et al. (hereafter "Malcolm"). This rejection is respectfully traversed.

The Examiner argues interprets each frame in Malcolm as corresponding to claimed "period." Further, the Examiner interprets the recurring time slot in each frame, which is assigned to a particular user (carrier channel), as the claimed "data transmission time." According to the Examiner, the remaining time slots in the frame, which are assigned to different users (carrier channels), are interpreted to correspond to the claimed "quasi-data transmission time."

Without admitting that Examiner's interpretation is valid, Applicants have amended the claims in an effort to expedite prosecution by further distinguishing over Malcolm. Specifically, claims 3, 7, 11, and 15 have been amended to recite that the transmitter organizes the data bits into the units of symbols before assigning the data bits to the bit spaces allocated for transmission. Conversely, Fig. 9 of Malcolm (cited by the Examiner to teach the organization of data bits into units of symbols) merely shows that data bits are organized into symbols after they are assigned to Malcolm's time slot. Applicants submit there is no teaching or suggestion in

Malcolm of organizing the data bits into units of symbols before they are assigned to the bit spaces (time slots) allocated for transmission, as presently claimed.

In fact, Malcolm's disclosure that the speech or data samples are converted directly to "channel symbols" (see col. 4, lines 50-53) suggests that the only organization of data bits into symbols are for the purpose of assigning the bits to the channel, i.e., time slot. Thus, Applicants submit that Malcolm teaches away from the aforementioned feature.

At least for the reasons set forth above, Applicants respectfully submit that claims 3, 7, 11, and 15 are in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### ***Conclusion***

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

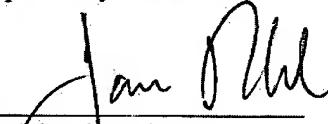
Application No. 09/559,175  
Amendment dated April 21, 2008  
Reply to Office Action of December 27, 2007

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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